

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALEB SMITH, et al.,
Plaintiffs,

v.

CITY OF HAYWARD, et al.,
Defendants.

Case No. [21-cv-08467-YGR](#) (AGT)

**ORDER COMPELLING
ATTENDANCE AT DEPOSITIONS**

Re: Dkt. No. 38

On March 4, 2023, the defendants served Jada Ellis and Jevin Ellis with subpoenas to testify at depositions to be held by Zoom on March 28, 2023. *See* Dkt. 38 at 5–6, 9–10. The defendants sent Jada and Jevin a Zoom link, by email, on March 23, 2023. *See id.* at 13–15. At the scheduled deposition times, Jada and Jevin didn’t log on to Zoom. *See id.* at 17–18. The defendants sent a reminder email, but Jada and Jevin didn’t respond. *See id.*

The Court “may hold in contempt a person who, having been served, fails without adequate excuse to obey [a] subpoena or an order related to it.” Fed. R. Civ. P. 45(g). Consistent with that authority, the Court orders Jada Ellis and Jevin Ellis to show cause, by July 21, 2023, for why they shouldn’t be held in contempt for failing to obey the subpoenas to testify at their depositions. If Jada and Jevin are held in contempt, they may be subject to monetary sanctions.


The Court also orders Jada and Jevin to contact the defendants’ attorney, Noah Blechman, at noah.blechman@mcnamaralaw.com, by July 14, 2023, to provide Mr. Blechman with two to three dates and times at which they are available to have their remote depositions taken

in the next thirty days. Jada and Jevin must then confirm new dates for their depositions with Mr. Blechman.

By July 10, 2023, the defendants must serve Jada Ellis and Jevin Ellis with a copy of this order, by any means reasonably calculated to provide actual notice, and file proof of service.

IT IS SO ORDERED.

Dated: July 7, 2023



Alex G. Tse
United States Magistrate Judge